

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,  <i>Plaintiff-Appellant</i>  v.  DTE ENERGY, <i>et al.</i>  <i>Defendant-Appellees.</i>	No. 14-2274
SIERRA CLUB,  <i>Plaintiff-Appellant</i>  v.  DTE ENERGY, <i>et al.</i>  <i>Defendant-Appellees.</i>	No. 14-2275

**JOINT MOTION TO CONSOLIDATE APPEALS  
FOR BRIEFING AND SUBMISSION,  
OR, IN THE ALTERNATIVE, FOR SUBMISSION ONLY**

The Parties in the above-captioned appeals jointly request consolidation for briefing and submission as described below, or, in the alternative, consolidation for submission only.

These two appeals both seek relief from the same orders in the underlying action *United States, et al. v. DTE Energy, et al.*, No. 10-13101 (E.D. Mich.). As these appeals currently stand, each appellant is to file its own principal and reply briefs, and the appellees are to file two response briefs, one in each case. While Appellants United States and Sierra Club have different interests and are not able to submit a joint brief, the Parties believe it will be most efficient to coordinate the briefing and submission of the two appeals.

For that reason, the Parties jointly request that the Court consolidate these two appeals for briefing and submission as follows:

- Each appellant would file its own brief and reply brief, and each appellant would be allowed the full length for its briefs permitted under the Federal Rules of Appellate Procedure and Sixth Circuit Rules.
- Appellees would file a single, consolidated response brief. Appellees would be allowed 21,000 words for their brief, which is 7,000 words less than the two full length briefs appellees would have otherwise been allowed to file under the rules.

Should the Court find consolidation for briefing and submission as described above not appropriate, the Parties jointly request, in the alternative, that the two appeals be consolidated for submission only.

Dated: October 31, 2014

Respectfully submitted,

<b><i>For Plaintiff- Appellant United States</i></b>	<p><u>/s/ Thomas A. Benson</u></p> <p>SAM HIRSCH Acting Assistant Attorney General</p> <p>THOMAS A. BENSON Environmental and Natural Resources Div. United States Department of Justice P.O. Box 7611 Washington DC 20044-7611 (202) 514-5261 Thomas.Benson@usdoj.gov</p>
<b><i>For Plaintiff- Appellant Sierra Club</i></b>	<p><u>/s/ Shannon Fisk</u></p> <p>Shannon Fisk Mary Whittle Earthjustice 1617 John F. Kennedy Blvd. Suite 1675 Philadelphia, PA 19103 Tel: (215) 717-4520 Fax: (212) 918-1556 <a href="mailto:sfisk@earthjustice.org">sfisk@earthjustice.org</a>&lt;<a href="mailto:sfisk@earthjustice.org">mailto:sfisk@earthjustice.org</a>&gt; <a href="mailto:mwhittle@earthjustice.org">mwhittle@earthjustice.org</a>&lt;<a href="mailto:mwhittle@earthjustice.org">mailto:mwhittle@earthjustice.org</a>&gt; &gt;</p>
<b><i>For Defendant- Appellees DTE Energy Co. and Detroit Edison Co.</i></b>	<p><u>/s/ F. William Brownell</u></p> <p>F. William Brownell HUNTON &amp; WILLIAMS LLP 2200 Pennsylvania Avenue, N.W. Washington, D.C. 20037 (202) 955-1500 bbrownell@hunton.com</p>